



BRAZOS COUNTY JUVENILE SERVICES DEPARTMENT

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Brazos County Juvenile Services Department	
Subject: Prison Rape Elimination Act (PREA)	Related Standards: PREA 115.311, .313, .314, .315, .316, .317, .321, .331, .332, .333, .334, .335, .341, .342, .351, .352, .353, .354, .361, .362, .363, .364, .365, .367, .368, .371, .372, .373, .376, .377, .378, .381, .382, .383, .386, .387, .388, .389

Prison Rape Elimination Act (PREA) was created in 2003 to establish a Zero Tolerance Policy for the elimination, reduction and prevention of sexual abuse and sexual harassment within corrections systems. The **Brazos County Juvenile Services Department (BCJSD)** PREA policy outlines how it implements the agency's strategies and approach to preventing, detecting, responding to sexual abuse and sexual harassment.

I. POLICY:

115.311 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator

The BCJSD is committed to maintaining a zero tolerance policy regarding sexual abuse and sexual harassment. As a resident of this facility, everyone has the right to be free from sexual abuse, sexual harassment, neglect, and exploitation. The BCJSD PREA policy prohibits behaviors regarding sexual abuse and sexual harassment. This includes not being subjected to sexually assaultive, abusive, and/or harassing behavior from anyone, including staff, visitors, janitors and/or other residents. Residents with disabilities, limited reading skills, blind or have low vision are afforded the same rights, and will be provided access to interpreters. Residents will have access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary or equipment. Interpreters will be provided through local community resources. Residents with disabilities have equal opportunity to participate in and benefit from all aspects of BCJSD's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

BCJSD is a secure facility and there is NO such thing as consensual sex, meaning no person regardless of age can "agree" to have sex or sexual contact with staff or another resident.

If the facility learns a resident is subject to a substantial risk of imminent sexual abuse, the facility shall take immediate action to protect the resident. Within this policy all references to sexual abuse will also include sexual harassment, as appropriate. Refer to BCJSD PREA policy page 26 items 31, 32 and page 27 item 33 regarding sanctions for those found to have participated in prohibited behaviors.

The BCJSD Quality Assurance Administrator will be designated as the PREA Coordinator for the residents. The PREA coordinator shall have sufficient time and authority to develop, implement, and oversee efforts to comply with the PREA standards. The BCJSD shall also designate the Operational Manager as the PREA Manager to assist the PREA Coordinator to develop, implement, and oversee efforts to comply with the PREA standards.

II. DEFINITIONS:

The following definition shall apply:

Texas Juvenile Justice Department- referred to hereafter as TJJD.

Exigent circumstances- any set of temporary unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of facility safety.



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Gender non-conforming- a person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex- a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Transgender- a person whose identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Prohibited Behaviors-Abuse Related Definitions

1. **Sexual abuse includes:**
 - a. Sexual abuse of a resident by another resident; and
 - b. Sexual abuse of a resident by a staff member, contractor, volunteer or other person.
2. **Sexual abuse by another resident includes any of the following acts, if the victim is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;**
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of any person, excluding contact incidental to a physical altercation.
3. **Sexual abuse by a staff member, contractor, volunteer or other person includes:**
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, volunteer or other person has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breasts, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. Any attempt, threat, or request by staff, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
 - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident; and
 - h. Voyeurism by a staff member, contractor, volunteer or other person.



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4. **Sexual harassment includes:**
 - a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a resident directed toward another resident.
 - b. Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, volunteer, or any person including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.
 5. **Voyeurism by a staff member, contractor, volunteer, or other person means:**
 - a. An invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in the cell to perform bodily functions.
 - b. Requiring a resident expose his or her buttocks, genitals, or breasts.
 - c. Taking images of all or part of a resident's naked body or of a resident performing bodily functions.
 6. **Incident Exposure by a staff, contractor, volunteer or other person includes:**
 - a. Any display of his or her genitalia, buttocks, or breasts in the presence of a youth.
- III. Procedure:
1. **115.312 Contracting with other entities for the confinement of residents.**
 - a. The department will ensure all contracts for the confinement of youth in residential and pre-adjudication settings include the compliance with all PREA Standards.
 - b. The department will monitor the contractor's compliance with PREA Standards by visiting the placements, as well as making unannounced visits.
 2. **115.313 Supervision and Monitoring**
 1. **Supervision and Monitoring**
 - a. PREA staffing requirements do not go into effect until October 1, 2017. Staffing requirements will meet Texas Juvenile Justice Department Standards.
 - 343.434 Facility Wide Ratio-not less than:
 1. One Juvenile Supervision Officer (JSO) to every 8 residents during program hours; and
 2. One JSO to every 18 residents during non-program hours.
 - 343.436 Supervision Ratio-not less than:
 1. One JSO to every 12 residents during program hours;
 2. One JSO to every 24 residents during non-program hours.
 - b. Detention Manager/Supervisors, Facility Administrator or Assistant Facility Administrator, will conduct and document unannounced rounds at least once monthly during each shift to identify and deter staff sexual abuse and harassment. Staff is prohibited from alerting



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other staff about the unscheduled unannounced round occurring by other employees, contractors or volunteers, unless such announcement is related to the legitimate operational functions of the facility. *The Detention Shift Manager, Shift Supervisor, Facility Administrator or Assistant Facility Administrator, will document the unannounced rounds on the check log to be maintained in the Facility Administrator's office.* These rounds are to deter staff sexual abuse and sexual harassment. These forms will be turned in to the PREA coordinator on the last day of each month.

- c. The facility utilizes video monitoring systems throughout the facility. Whenever necessary, but no less frequently than once each year, in consultation with the PREA Coordinator, the facility shall assess, determine, and document whether adjustments are needed to:
 - 1. The staffing plan;
 - 2. Prevailing staffing patterns;
 - 3. The deployment of video monitoring systems and other monitoring technologies; and
 - 4. The resources available to commit to ensure adherence to the staffing plan.
 - 5. Digital surveillance files will be retained for 14 days.
- d. Unless there is an exigent circumstance staff of the opposite gender entering a unit will announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing. Staff will document on the unit log if an exigent circumstance occurred.
- e. Residents can shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
- f. In calculating adequate staffing levels and determining the need for video monitoring, BCJSD shall take into consideration in our Supervision and Monitoring-Staffing Plan the following elements:
 - 1) Generally accepted juvenile detention and correctional/secure residential practices; (page 6 item a-d)
 - 2) Any judicial findings of inadequacy; (page 2 item 1a)
 - 3) Any findings of inadequacy from Federal Investigative agencies (page 2 item 1a)
 - 4) Any findings of inadequacy from internal or external oversight bodies (page 2 item 1a)
 - 5) All components of the facility's physical plant (page 2 item 2a-c)
 - 6) The composition of the resident population (page 3 item a-k)
 - 7) The number and placement of supervisory staff (page 5 item 4 a-i)
 - 8) Institution programs occurring on a particular shift (page 5-6 items a-b)
 - 9) Any applicable State or local laws, regulations, or standards; (page 6 item a-d)
 - 10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - 11) Any other relevant factors (pages 6-7 items a-b)
- g. The agency shall comply with staffing plan except during limited and discrete exigent circumstances, and shall fully document deviations from the plan during such circumstances.



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3. 115.315 Limits to cross-gender viewing and searches

a. **SEARCHES:** See Policy: TAC 343.260 Resident Searches

The facility does not permit cross gender strip or pat-down searches of residents, searches will be conducted **only** in exigent circumstances or when performed by LVN/Physician/Physician's Assistant. Staff will be trained to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. When conducting the cross gender strip or pat searches, they shall be conducted with at least two (2) staff members present. Staff will document and justify all cross-gender visual body cavity searches and cross-gender pat-down searches.

1. All residents are able to shower, perform bodily functions, and change clothing without nonmedical staff viewing their genitals, buttocks, breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routing cell checks (including viewing via video camera).
2. Staff shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversation with the resident, by reviewing medical records, or, if necessary by learning that information as a part of a broader medical exam conducted in private by a medical practitioner.
3. Security staff shall be trained how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
4. Unless there is an exigent circumstance staff of the opposite gender entering a unit will announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing. Staff will document on the unit log if an exigent circumstance occurred.

4. 115.316 Residents with disabilities and residents who are limited English proficient.

- a) Facility shall take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- b) Residents with disabilities, limited reading skills, blind, or have low vision are afforded the same rights and will be provided access to interpreters. Residents



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will have access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Interpreters will be provided through local community resources. Residents with disabilities and limited English proficiency have equal opportunity to participate in and benefit from all aspects of BCJSD's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

- c) In addition the agency shall ensure that written materials are provided in formats and through methods that ensure effective communications with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
- d) Residents are prohibited to be used as resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident's allegations. Staff shall fully document the limited circumstances in individual cases where resident interpreters, readers, or other types of resident assistants are used.

5. 115.317 Hiring and promotion decisions

Hiring and Promotion:

- a. TJJD Standards will be followed as outlined in policies §100.077 Consultants, Contract Employees and other Agencies, §100.090 Employment, and §343.386 Volunteers and Interns.
- b. The facility prohibits hiring or promote anyone who may have contact with residents and shall not enlist the services of any contractor who may have contact with residents who-
 - 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) (2) of this section.
- c. BCJSD shall consider ALL incidents of sexual harassment to determine whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.
- d. Prior to hiring new employees who may have contact with residents, the Executive Director, or designee shall:
 - 1. Perform a criminal background records check using the State of Texas Department of Public Safety fingerprint system (FAST system). The system will notify the training coordinator and/or Executive Director of any arrests for criminal



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- activity of current employees, contractors, volunteers, interns or anyone who may have contact with residents.
2. Consult the child abuse registry maintained by the Texas Department of Family and Protective Services Centralized Background Check System.
 3. Consistent with Federal, State, and local law, the Executive Director or designee shall make the best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- e. Criminal background records check and child abuse registries will be checked by the Executive Director or designee, prior to enlisting the services of any contractor who may have contact with residents.
1. BCJSD conducts required criminal background records checks every 2 years of current employees and contractors who may have contact with residents.
- f. Criminal background records check and child abuse registries will be checked by the Executive Director or designee, prior to enlisting the services of any contractor who may have contact with residents.
- g. All applicants and employees who may have contact with residents directly shall be asked by the Executive Director or designee about previous misconduct described in paragraph (b) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees and interns. BCJSD requires that all employees, contractors or volunteers immediately (within 24 hours) disclose, in written and verbal form, to their immediate supervisor, or his/her designee in the supervisors' absence, any misconduct.
- h. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- i. Unless prohibited by law, the Executive Director or designee shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
- 6. 115.318 Upgrades to facility and technology**
- a. The department uses video surveillance throughout the complex to monitor youth and staff at all times which enhances the agency's ability to protect residents from sexual abuse.
 - b. The department will continuously monitor the need for upgrading and/or increasing the number of surveillance cameras so as to eliminate any blind spots which may provide for the opportunity for sexual abuse of youth.
 - c. Any expansion, modification or changes to the design of the facility shall take into consideration the department's ability to protect residents from sexual abuse.



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7. 115.321 Evidence protocol and forensic medical examinations.

- a. Facility staff shall be responsible for conducting Administrative Investigations. Criminal sexual abuse investigations will be conducted by the Brazos County Sheriff's Department.
- b. All residents who experience sexual abuse shall have access to a forensic medical examination without financial cost through *St. Joseph's Hospital* by the SANE nurse. Efforts shall be made and documented on the facility incident report, nurse's notes or shift supervisor's report to provide Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANES). When SANES or SAFEs are not available, a qualified medical practitioner performs forensic medical examinations. The facility staff shall document efforts to provide SANES or SAFEs.
- c. Attempts shall be made to make available a victim advocate through the SANE nurse at *St. Joseph's Hospital* and/or the Brazos Valley's Sexual Assault Resource Center (SARC), in person or by other means. All efforts must be documented. The SANE nurse is a victim advocate who will aid the sheriff's department and investigators collect evidence and to provide emotional support during the collection of evidence process. The facility staff shall attempt to make available to the victim a victim advocate from SARC. If a SARC representative is not available to provide victim advocate services, the facility shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers.
- d. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C 14043g(b)(2)(C), to victims of sexual assault of all ages.
- e. If requested by the victim, the victim advocate or qualified community-based organization staff members shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- f. A qualified community-based staff member shall be individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.
- g. All allegations will require an administrative investigation to be conducted by the Facility Administrator, Assistant Facility Administrator, PREA coordinator or a criminal investigation of sexual abuse and sexual harassment shall be conducted by the Brazos County Sheriff's Department.
- h. If the allegation involves potentially criminal behavior the allegation will be referred to the BCJSD for investigation to conclude criminal investigations. The Brazos County Sheriff's Department shall be responsible to conduct sexual abuse investigations and shall be responsible to follow the requirements of paragraphs §115.321 (a) through (e) of the standard.
- i. All referrals and investigations will be documented on the Abuse, Neglect, & Exploitation spread sheet maintained by the department. This data will be posted on the Brazos County Juvenile Services' website.



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8. 115.322 Policies to ensure referrals of allegations for investigations

a. Investigations

1. The facility shall ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment. Criminal investigation shall be completed by the Brazos County Sheriff's Department.
2. Substantiated Allegation- an allegation that was investigated and determined to have occurred.
3. Unfounded Allegation- an allegation that was investigated and determined not to have occurred.
4. Unsubstantiated Allegation- an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

b. Internal Investigation

1. Investigations into allegations of sexual abuse and sexual harassment shall be completed promptly, thoroughly and objectively for all allegations, including third-party and anonymous reports by the Brazos County Sheriff's Department.
2. The criminal investigator shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; the investigator shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. All referrals of allegations of sexual abuse or sexual harassment are documented for criminal investigations.
3. An investigation shall not terminate solely because the source of the allegation recants the allegation.
4. If the evidence appears to support criminal prosecution, all following interviews will be conducted by the prosecutors to avoid compromising the criminal investigation. If the investigation appears criminal, the investigation will be turned over to the **Brazos County Sheriff's Department** to complete for prosecution.
5. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No resident will submit to a polygraph or other truth-telling device as a condition for proceeding with the investigation of an allegation.
6. The agency shall make all aggregated sexual abuse data from its facility and from facilities under its direct control and private facilities with which it contrasts, readily available to the public through its website.
7. The Brazos County Sheriff's Department shall be responsible for conducting criminal investigations; such memorandum shall describe the responsibilities of both the agency and investigating entity.



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9. 115.331 Employee Training

- I. Prior to having contact with the residents all staff who have contact with the residents will be trained on:
 - a. The facility Zero Tolerance Policy for sexual abuse and sexual harassment;
 - b. How to fulfill their responsibilities under the facility sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. Residents' right to be free from sexual abuse and sexual harassment;
 - d. The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - e. The dynamics of sexual abuse and sexual harassment juvenile facilities;
 - f. The common reactions of juvenile victims of sexual abuse and sexual harassment;
 - g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
 - h. How to avoid inappropriate relationships with residents;
 - i. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
 - k. Relevant laws regarding the applicable age of consent.
- l. Refresher training will be conducted with all employees every year about current policies regarding sexual abuse and sexual harassment.
- m. Between trainings, the agency provides employees who may have contact with resident with refresher information about current policies regarding sexual abuse and sexual harassment via yearly review training, staff monthly training cycles and on-going PREA policy update reviews.
- n. The training agenda sheet will be maintained listing topics covered relating to sexual abuse or sexual harassment. A sign-in sheet of attendees will be maintained for each training provided including the dates, times and duration of training. A sign in sheet of attendees will be maintained for each training provided. A pre/posttest will be given to ensure the staff, volunteers, and contractors understand the training they received. Following the training the staff, volunteers, and contractors will sign a statement that they understood the training provided.

10. 115.332 Volunteer and Contractor Training

- II. Prior to having contact with the residents all volunteers and contractors who have contact with the residents will be trained on:
 - a. The facility Zero Tolerance Policy for sexual abuse and sexual harassment;
 - b. How to fulfill their responsibilities under the facility sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. Residents' right to be free from sexual abuse and sexual harassment;
 - d. The right of residents and employees to be free from retaliation for reporting sexual abuse.



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- III. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- IV. A sign-in sheet of attendees will be maintained for each training provided including the dates, times and duration of training. A sign in sheet of attendees will be maintained for each training provided. A pre/posttest will be given to ensure the volunteers, and contractors understand the training they received. Following the training the volunteers, and contractors will sign a statement that they understood the training provided.

11. 115.333 Resident Education

- 1. Residents shall receive information explaining the agency's zero tolerance policy in an age appropriate fashion including how to report incidents or suspicions of sexual abuse or sexual harassment in the following manner:
 - a. During the intake process, residents shall receive information explaining, in an age appropriate fashion, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. The officer conducting the intake process (upon arrival) will verbally inform resident of agency's zero tolerance and will be provided the zero tolerance pamphlet.
- 2. Additional comprehensive age appropriate education shall be provided within 10 days of intake in the unit as scheduled every weekend. The JSO assigned the unit will ensure that the youth watch the comprehensive video and/or verbal orientation. The comprehensive education will be in a format accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to the residents who have limited reading skill or deficiency in any of these areas. Staff will report to the supervisor the need for additional resources for any youth with special requirements. The supervisor will notify the facility administrator who will contact the appropriate community resource services. Arrangements will be made for an interpreter, when necessary. In all circumstances, this facility will not rely on resident interpreters.
- 3. The education will include the youth's rights to be free from sexual abuse and sexual harassment and to be free from retaliation from reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- 4. Upon conclusion of the video or orientation, the JSO assigned the unit will ensure the resident signs the PREA unit orientation form acknowledging participation on this education. The form will be turned in to the supervisor on duty to be maintained in the resident's individual file in the control booth.



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5. In addition to providing such education, the agency shall ensure that key PREA information is continuously and readily available or visible to residents through posters, resident handbook, or other written formats.

12. 115.334 Specialized Training: Investigations

1. Employees assigned to conduct administrative sexual abuse investigations shall receive training in conducting such investigations in confinement settings. If the person conducting the investigation is not an employee, the administrator will insure that the investigating agency had the appropriate training to conduct the investigation.
2. Specialized training shall include:
 - a) Techniques for interviewing juvenile sexual abuse victims,
 - b) Proper use of Miranda and Garrity warnings,
 - c) Sexual abuse evidence collection in confinement settings, and
 - d) The criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. The training agenda sheet will be maintained listing topics covered relating to sexual abuse or sexual harassment. A sign-in sheet of attendees will be maintained for each training provided including the dates, times and duration of training. A pre/post-test will be given to ensure the staff, volunteers, and contractors understand the training they receive. Following the training the staff, volunteers, and contractors will sign a statement acknowledging that they understood the training provided.

13. 115.335 Specialized Training: Medical and Mental Health Care

- I. In addition to the facility Zero Tolerance Policy, all full and part time medical and mental health care practitioners who work regularly in its facilities will be trained in the following:
 1. How to detect and assess signs of sexual abuse and sexual harassment
 2. How to preserve physical evidence of sexual abuse.
 3. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment.
 4. How and to whom to report allegations of suspicions of sexual abuse and sexual harassment.
 5. Medical and mental health practitioners are required by mandatory reporting laws to report sexual abuse to the local Sheriff's Department, Texas Family and Protective Services, Texas Juvenile Justice Department and the Facility Administrator.
 6. Medical and mental health practitioners shall inform residents at the initiation of services of their duty to report and the limitations of confidentiality regarding sexual abuse.
 7. In addition to the Specialized Training Medical and Mental Staff who work regularly in the facility shall also receive the 11 PREA mandated training mandated topics.
 8. All training will be maintained in the individual's personnel/training file.



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9. BCJSD medical health staff shall not conduct forensic examinations, but will assist and cooperate with the local law enforcement agency in conducting the investigation.

14. 115. 341 Screening for risk of victimization and abusiveness.

- I. Information will be obtained about the resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident through the facility objective screening instrument (Behavioral/Health/Risk of Victimization Form) upon intake.
 - a. Upon intake and no later than 72 hours, all residents will be screened using an objective screening instrument, by the intake officer for the risk of sexual victimization and abusiveness using the facility behavioral screening and medical health screening forms.
 - i. At minimum, the agency shall attempt to ascertain information about:
 1. Prior sexual victimization or abusiveness;
 2. Any gender nonconforming appearance or manner or identification as lesbian, gay bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
 3. The current charges and offense history;
 4. Age
 5. Level of emotional and cognitive developmental;
 6. Physical size and stature;
 7. Mental illness or mental disabilities;
 8. Intellectual or developmental disabilities;
 9. Physical disabilities
 10. The resident's own perception of vulnerability; and
 11. Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.
 - b. Information will be obtained through conversations with the resident, medical and mental health screenings, during classification assessments, and by reviewing court records, case files, facility behavioral records and other relevant documentations from the resident's files.
 - c. The intake staff will provide this information to the supervisor on duty for review.
 - d. Sensitive information obtained will not be exploited to the resident's detriment by staff or other residents. All staff will follow appropriate confidentiality when dealing with sensitive information. Information obtained will be only be used to make housing, bed, program and education assignments with the goal to keep all residents safe free from sexual abuse and to reduce the risk of victimization.
 - e. Periodically throughout the resident's confinement the risk level will be assessed using information obtained about the resident's personal history and behavior to be used to reduce the risk of sexual abuse by or upon a resident. This information will be gathered through staff/counselor's conversations with the resident's, information provided by the probation department, and/or family member and incident reports written by the JSOs working the unit. This information will be placed in the resident's



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file and related to the supervisor on duty. The supervisor will notify the Facility Administrator (FA). The FA will determine if further action is warranted.

- f. Medical and mental health practitioners shall inform residents at the initiation of services of their duty to report and the limitations of confidentiality regarding information gathered.

15. 115.342 Use of screening Information

- a. Staff shall use information from the risk screening tools to appropriately assign residents to housing, bed, work, education, and program assignments with the goal of keeping all residents safe and free from sexual abuse. (refer to page 12-13 item 14(a)(i)(1-11))
- b. If a resident is at risk of sexual victimization he/she may *only* be placed in isolation/protective isolation as a last resort if less restrictive measures are inadequate to keep them and other resident's safe, and only until an alternative means of keeping all residents safe can be arranged. Residents during any period of isolation shall receive visits from a medical or mental health care clinician. Residents shall also have access to other programs to the extent possible.
 - i. If a resident during any period of time is isolated facility shall clearly document:
 - 1. The basis for the facility's concern for the resident's safety; and
 - 2. The reason why no alternative means of separation can be arranged.
- c. Residents in isolation shall receive daily large-muscle exercise, access to educational programming or special education services and daily visits from a medical and/or mental health care professional.
- d. Placement and programming assignments for each transgender or intersex resident shall be re-assessed by the Facility Administrator and PREA Coordinator at least twice each year (when applicable) to review any threats to safety experienced by the resident.
- e. Staff is prohibited from placing lesbian, gay, bisexual, transgender, or intersex residents in a particular housing, bed, or other assignments solely on the basis of such identification or status.
- f. Staff is prohibited from considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.
- g. A transgender or intersex resident's own view with respect to his/her own safety shall be given serious consideration. Staff making housing and programming assignments for transgender or intersex resident in the facility will be on a case-by-case basis and will require final approval from the Facility Administrator.
 - i. Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident.



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- h. Transgender or intersex residents shall be given the opportunity to shower separately from other residents.
- i. If a resident is isolated, the facility shall clearly document:
 - i. The basis for the facility's concern for the resident's safety.
 - ii. The reason why no alternative means of separation can be arranged.
- j. If a resident at risk of sexual victimization is held in isolation, the facility afford each such resident a every 30 days by the facility administrator and supervisor to determine whether there is a continuing need for separation from the general population.

16. 115.351 Resident Reporting

1. As a resident of the facility, there are some things residents can do to minimize risk of becoming a victim of sexual assault, abuse, or harassment:
 - a) Avoid isolated or secluded areas of the facility.
 - b) Never share personal information with another resident.
 - c) Never accept gifts or favors from another resident.
 - d) Never give gifts to or do favors for another resident
 - e) Be cautious of residents who attempt to be overly friendly, tries to isolate you from interacting with other residents or staff, or repeatedly shows interest in your personal matters.
 - f) Report all incidents of actual or attempted sexual contact, threats against you or your family, intimidation, or sexual conversations.
2. The agency shall provide multiple internal ways for residents to privately report sexual assault, abuse, harassment or retaliation by other residents or staff by reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, in any of the following ways:

Facility Administrator, Assistant Facility Administrator, Shift Manager, Shift Supervisor, Juvenile Probation Officer, Juvenile Supervision Officer, Counselor, Volunteer, Intern, Shift Supervisor, Case Manager, Quality Assurance Administrator/PREA Coordinator, or by using the facility's grievance process. JSOs will ensure copies of blank grievances are available at all times. Residents shall have access to a grievance copy at all times. Upon completion, the resident may turn the grievance in to the supervisor on duty.
3. Resident's may also privately and anonymously report sexual assault, abuse, or harassment directly to the Texas Juvenile Justice Department (TJJD) at 1-877-STOP Abuse Neglect & Exploitation (ANE) at 1-877-786-7263 or **Brazos County Sheriff's Department 979-361-4900**.
4. Resident's shall have access to tools to make written reports of sexual abuse or sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassments, and staff neglect or violation of responsibilities that may have contributed to such incidents.



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5. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and are required to immediately, without delay report sexual abuse and sexual harassment of residents. Staff shall promptly document any verbal reports or a witness statement. Staff will then follow the mandatory reporting duties. The witness statement will be turned in to the supervisor on duty to follow the mandatory reporting duties.
6. Staff may privately report sexual abuse and sexual harassment of residents to their local law enforcement, state reporting agency, TJJD, direct supervisor, shift supervisor, shift manager facility administrator, assistant facility administrator or the PREA coordinator. Staff must report sexual abuse and sexual harassment **immediately to the Facility Administrator**.
7. Any report of sexual assault, abuse, or harassment alleged to have occurred within the facility will be investigated to the fullest extent by the Facility administrator or designee and will be reported to the Brazos County Sheriff's Department for possible criminal investigation and prosecution.
8. Staff is fully informed of procedures of how to report any sexual assault, abuse or harassment thru on-going trainings, staff meetings, new employee orientation and shift change.

17. 115.352 Exhaustion of administrative remedies

1. The facility administrative procedure for dealing with resident grievances regarding sexual abuse are as follows:
 - a. A parent, legal guardian or third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be allowed to file a grievance and/or assist residents in filing request for administrative remedies relating to allegations of sexual abuse on behalf of the resident without the resident agreeing to have the request filed on his or her behalf.
 - i. A community grievance form shall be available on www.brazoscountytexas.gov. Go to the County Department link, Juvenile Services Department link, To Report Abuse link, and the Community Grievance form.
 - ii. Print the form and mail or deliver to:
1904 State Highway 21 West
Bryan, TX 77803
Attn: PREA Coordinator
 - iii. Residents shall be allowed to use an informal grievance process, or otherwise to attempt to resolve with/through staff, an alleged incident of sexual abuse.



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- iv. Resident shall be allowed to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. Resident shall not be referred to the staff member who is the subject of the complaint.
 - v. If the resident declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency shall document the resident's decision to decline.
- 2. Residents may use the emergency grievance process (**Policy 343.376 Resident Grievance Process**) to file allegations of sexual abuse and sexual harassment if the resident is subject to a substantial risk of imminent sexual abuse. The emergency grievance process provides the resident with access to report to the supervisor on duty immediately to ensure the resident is not at substantial risk of imminent sexual abuse. Resident is allowed to submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred.
 - I. The facility shall not impose time a limit on when a resident may submit a grievance regarding an allegation of sexual abuse.
 - II. The facility may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
 - III. The facility shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
 - IV. Nothing in this section shall restrict the facility's ability to defend against lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.

Emergency Grievance process:

- a. The resident shall request of the JSO on duty to speak to the supervisor.
 - b. The resident will make the report to the supervisor.
 - c. If the resident alleges they are at substantial risk of imminent sexual abuse, the supervisor will take immediate steps to ensure the safety of the resident. Immediate corrective action may be taken.
 - d. The supervisor will then follow the mandatory reporting steps.
- 3. In collaboration with the Facility Administrator, an initial response will be provided within 48 hours with a final decision within 5 calendar days. The initial response and final decision shall document the determination if the resident is at substantial risk of imminent sexual abuse and the action taken.
- 4. Facility Administrator, or designee, require that a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance.
- 5. Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal.



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- a. In cases where the grievance requires an extension period beyond 90 days the facility may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Facility Administrator, or designee, will notify the resident in writing when the agency files for an extension, including notice of the date by which a decision will be made.
 - b. At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extensions, the resident may consider the absence of a response to be a denial at that level.
 6. All residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or harassment investigations will be protected from retaliation by other residents or staff which will be monitored by the PREA Coordinator/Investigator and Shift Supervisor.
 7. The facility may discipline a resident for filing a grievance related to alleged sexual abuse only where the facility demonstrates that the resident filed the grievance in bad faith.
18. **115.353 Resident access to outside confidential support services**
 - a. Residents are provided access to outside victim advocates for emotional support services related to sexual abuse by providing, posting or otherwise making accessible mailing addresses and telephone numbers of local, State, or national victim advocacy or rape crisis organizations.
 - b. Residents will have access to the SANE nurse at *St. Joseph's Hospital and a counselor with the Brazos Valley SARC*. The SANE nurse or SARC Counselor will respond to the hospital to provide emotional support services and resources for legal representation.
 - c. Reasonable communication between the resident and organization/agency will be held in as confidential a manner as possible.
 - d. Resident will be informed prior to access the extent to which such communications will be monitored and prior to giving Residents access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law. All reports of abuse will be forwarded to the authorities in accordance with mandatory reporting laws.
 - e. Reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents/legal guardians will be provided.
 - f. BCJSD will enter into a memorandum of understanding with SARC and any other community program to provide these services. BCJSD shall maintain all documentation of attempts to enter into such agreements.
 - g. Emotional support services will be provided to staff and residents who fear retaliation for reporting sexual abuse or harassment or for cooperating with investigations. Emotional support may include crisis intervention and counseling services. Emotional support services will be provided as follows:



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- h. Staff through the employee assistance program (EAP).
- i. Residents through the SANE (Sexual Abuse Nurse Examiner) at St. Joseph's Hospital or SARC. The SANE or SARC Counselor will determine the services that will be provided based on their professional training.

19. 115.354 Third-Party reporting

- a. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse or sexual harassment, and shall also be permitted to file such requests on behalf of the residents.
- b. If a third party, other than a parent or legal guardian, files a request on behalf of a resident and the alleged victim does not want to pursue charges on his or her behalf, the refusal will be documented within the investigation. The facility will follow subsequent steps in the administrative remedy process.
- c. The facility publicly distributes information on how to report resident sexual abuse or sexual harassment on behalf of the resident thru the county website. www.brazoscounty.com

20. 115.361 Staff and agency reporting duties

- a. Staff shall report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency, retaliation against residents or staff who reported an incident and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. All staff shall comply with any applicable mandatory child abuse reporting laws.
- c. Apart from reporting to the designated supervisors or officials and designated State or local service agencies, agency policy prohibits staff from revealing any information related to sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
- d. The facility administrator or designee shall promptly (**within 1 hour or receipt**) report the allegation to the Sheriff's Department, TJJD, and the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified.
- e. If the victim is under the guardianship of DFPS the report shall be made to the caseworker instead of the parents or legal guardians.
- f. The allegation will also be reported to the victim's attorney or the youth's Juvenile Probation Officer within 14 days of receiving the allegation.
- g. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.
- h. The PREA Coordinator for the facility, who is the facility's designated investigator, will also be notified to begin the internal investigation process.
- i. Staff shall immediately report according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- j. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials. As well as to the designated State or local



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services agency where required by mandatory reporting laws. Medical and mental health practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.

21. 115.362 Agency protection duties

- a. Residents and staff shall immediately report sexual abuse or sexual harassment, staff neglect or violation of staff responsibilities, or retaliation to any employee, to TJJD (1-877-786-7263) or by using the facility grievance process. There will be no time limit on when an allegation of sexual abuse can be reported.
- b. TJJD will inform the Facility Administrator of all reports made to TJJD to ensure they are properly investigated. The facility administrator will notify the Sheriff Department and the PREA Coordinator to initiate the investigation.
- c. When staff learns that a resident is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the resident.
 - i. Staff shall take action to assess and implement appropriate protective measures without unreasonable delay.
 - ii. The administrator will take steps to separate the alleged victim from the alleged perpetrator.
 - iii. The alleged staff or resident abuser will not have contact with the victim. Staff will be placed on leave until the conclusion of the investigation with possible disciplinary or criminal action as warranted. Residents may be placed in another unit until the conclusion of the investigation.

22. 115.363 Reporting to other confinement facilities

- a. Upon receiving an allegation that a resident was sexually abused while in another confinement facility: the Facility Administrator must notify the administrator of the facility or appropriate office of the agency where the alleged abuse occurred and shall notify the appropriate investigative agency.
- b. Notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegations.
- c. The Facility Administrator will document the notification and also notify TJJD.
- d. The facility that receives such notification shall ensure the allegation is investigated in accordance with policy.
- e. Allegation(s) received from other agencies or facilities are investigated in accordance with the PREA standards.

23. 115.364 Staff first responder duties

- a. The first person to receive any allegation of sexual abuse, sexual harassment shall be considered the first responder.
- b. If the first person to receive any allegation of sexual abuse is not a Brazos County security staff (Ex. Juvenile Supervision Officer, Shift Manager, Shift Supervisor) they shall immediately report the allegation to the Facility Administrator, Assistant Facility



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Administrator, Shift Manager or Shift Supervisor and request the alleged victim not take any actions that could destroy physical evidence.

- c. The first security staff to learn of an allegation that a resident was sexually abused shall:
 - 1) Separate the alleged victim and abuser pending the outcome of the investigation or of a determination of whether and to what extent discipline is warranted.
 - 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
 - 3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including as appropriate, smoking, drinking, washing, brushing teeth, changing clothes, urinating, defecating, or eating
 - 4) If the abuse occurred within a time period that still allows for the collection of physical evidence ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - 5) Notify Facility Administrator, Brazos County Sheriff's Department and Brazos Valley Sexual Abuse Resource Center (SARC).
 - 6) The Facility Administrator/designee will collect all unit documentation, including general unit log, individual room logs, seclusion logs, control log, etc.
 - 7) If the first responder is not a JSO/JPO, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and notify the JSO/Supervisor/Administrator/PREA Coordinator/Investigator.
 - 8) The supervisor/designee will contact the Facility Administrator immediately to determine if the youth will be transported by the EMS or by the facility vehicle by the JSO.

24. 115.365 Coordinated response

- a. Brazos County Juvenile Services Department maintains a written plan to coordinate the actions taken among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse.
- b. All allegations of sexual abuse/sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents will be investigated whether criminally or administratively.
- c. Residents and staff shall immediately report sexual abuse or sexual harassment, staff neglect or violation of staff responsibilities, or retaliation to any employee, to TJJD (1-877-786-7263) or by using the facility grievance process. There will be no time limit on when an allegation of sexual abuse can be reported.



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- d. TJJD will inform the Facility Administrator of all reports made to TJJD to ensure they are properly investigated. The facility administrator will notify the Sheriff Department and the PREA Coordinator to initiate the investigation.
- e. The administrator will take steps to separate the alleged victim from the alleged perpetrator.
- f. If the Sheriff's department chooses not to conduct an investigation, TJJD peace officers may conduct a criminal investigation.
- g. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports on an informative incident report.
- h. Staff shall report immediately to the Administrator, Supervisor on duty, or PREA Coordinator and Sheriff Department of any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the agency; retaliation against residents or staff who reported such an incident and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- i. Apart from reporting to the above, staff shall keep confidential any information related to the sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation and other security and management decisions.
- j. If a resident who alleges sexual abuse or sexual harassment submits a grievance the grievance clerk shall ensure that the grievance is not referred to the staff member who is the subject of the complaint.
- k. A final decision on a grievance alleging sexual abuse must be made within 90 days of the initial filing of the grievance. Following the investigation of the report alleging sexual abuse the facility administrator will review the investigation and make a final decision on the grievance. The PREA Coordinator/Investigator will inform the resident of the final decision.
- l. An extension of time to respond up to 70 days may be claimed if the time allowed is insufficient to make an appropriate decision. The resident will be notified in writing of any extension and provided with a date by which a decision will be made.

25. 115.366 Preservation of ability to protect residents from contact with abuser.

- (a) Residents and staff shall immediately report sexual abuse or sexual harassment, staff neglect or violation of staff responsibilities, or retaliation to any employee, to TJJD (1-877-786-7263) or by using the facility grievance process. There will be no time limit on when an allegation of sexual abuse can be reported.
- (b) TJJD will inform the Facility Administrator of all reports made to TJJD to ensure they are properly investigated. The facility administrator will notify the Sheriff's Department and the PREA Coordinator to initiate the investigation.
 - i. The Brazos County Juvenile Services Department does not enter into any collective bargaining agreements. The department's policy allows for the alleged staff to be removed from having any contact with youth pending an investigation.



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- (c) The administrator will take steps to separate the alleged victim from the alleged perpetrator.
- (d) The alleged staff or resident abuser will not have contact with the victim. Staff will be placed on leave until the conclusion of the investigation with possible disciplinary or criminal action as warranted. Residents may be placed in another unit until the conclusion of the investigation.

26. 115.367 Agency protection against retaliation

- 1. The facility shall protect all residents and staff who report sexual abuse or sexual harassment or cooperates with an investigation from retaliation by other residents or staff. The facility shall take appropriate measure, to include contacting the Sheriff's Department, to protect the individual against retaliation.
- 2. For at least 90 days following a report of sexual abuse, the Facility Administrator/designee shall monitor the conduct or treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to determine if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. The following shall be monitored:
 - a. Resident disciplinary reports
 - b. Unit housing
 - c. Periodic status checks (in the case of residents)
 - d. Program changes, or
 - e. Negative performance reviews or reassignments of staff, monitoring will be conducted by the Facility Administrator, or designee.
- 3. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need.
- 4. For residents, such monitoring shall also include periodic status checks to be conducted by the Shift Supervisors. Status checks will be conducted randomly twice weekly and documented in the status checks binder in the supervisor's office.
- 5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures protect that individual against retaliation.
- 6. The facility shall employ multiple protection measures such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abuser from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- 7. The obligation to monitor shall terminate if the allegation is unfounded.
- 8. Segregation to protect a resident who is alleged to have suffered sexual abuse shall follow requirements of the BCJSD's isolation policy to protect the resident in the least restrictive manner. This will occur only as a "last resort." Resident's in isolation will be provided with a daily large-muscle exercise, educational programming or special education service, daily visits from medical or mental health care clinician and access to regular program opportunity to the extent possible.



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27. 115.368 Post-allegation protective custody

1. If a resident is isolated, the rules following isolation requirements will be followed.
2. If a resident who alleges to have suffered sexual abuse may *only* be placed in isolation as a last resort because less restrictive measures are inadequate to keep them and other residents safe, the isolation will only take place until an alternative means of keeping all residents safe can be arranged.
3. Residents who are placed in isolation because they allege to have suffered sexual abuse shall have access to legally required educational programming, special education services, and daily large-muscle exercise, and daily visits from a medical and/or mental health care professional.
4. Placement and programming assignments for each transgender or intersex resident shall be reassessed by the Administrator and PREA Coordinator at least twice each year to review any threats to safety experienced by the resident.
5. A transgender or intersex resident's own view with respect to his/her own safety shall be given serious consideration.
6. Transgender or intersex residents shall be given the opportunity to shower separately from other residents.
7. If a resident is isolated, the facility shall clearly document:
 - a. The basis for the facility's concern for the resident's safety.
 - b. The reason why no alternative means of separation can be arranged.
8. Residents who are placed in isolation because they allege to have suffered sexual abuse shall be reviewed every 30 days by the administrator and supervisor to determine whether there is a continuing need for separation from the general population.

28. 115.371 Criminal and administrative agency investigations

a. Administrative Investigations

1. When the facility conducts its own administrative investigations into allegations of sexual abuse and sexual harassment it shall do so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports.
2. BCJSD does not terminate an investigation solely because the source of the allegation recants the allegation.
3. Substantiated allegations of conduct that appears to be criminal facility shall refer for prosecution.
4. Written reports of administrative and criminal investigations shall be retained as long as the alleged abuser is incarcerated or employed by the agency plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
5. Investigations shall include an effort to determine if staff actions or failure to act contributed to the abuse.
6. Investigations shall be documented per TJJD incident form requirements and investigation requirements including:
 - a. Description of the physical and testimonial evidence,
 - b. The reasoning behind credibility assessments, and



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- c. Investigative facts and findings.
- 7. No standard higher than a preponderance of evidence is required to determine whether allegations of sexual abuse or sexual harassment are substantiated.
- 8. Criminal investigation shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- 9. The resident will be informed of the outcome of the investigation whether or not it has been determined to be substantiated, unsubstantiated, or unfounded.
- 10. Departure of the alleged abuser of victim from the employment or control of the facility shall not provide a basis for terminating an investigation.
- 11. If outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- 12. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a resident or staff.
- 13. The facility shall not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

B. The following notification shall be documented in the investigation file:

- 1. Allegations involving abuse by a staff.

The resident shall be informed:

- a. The staff member is no longer posted in the unit.
- b. If the staff is no longer employed at the facility.
- c. If the staff member has been indicated on a charge related to sexual abuse within the facility.
- d. The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- 2. Allegations involving abuse by another resident
 - a. The facility learns that the alleged abuser has been adjudicated on a charge related to sexual abuse within the facility.
- 3. The facility's obligation to report shall terminate if the resident is released from the facility's custody.

C. Criminal Investigations

- i. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigation thru the Brazos County Sheriff's Department (BCSD). All criminal Investigations shall be conducted by the Brazos County Sheriff's Department.



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- ii. The BCSD Investigators shall gather preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- iii. When the quality of evidence appears to support criminal prosecution, the BCSD shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be obstacle for subsequent criminal prosecution.

29. 115.372 Evidentiary standards for administrative investigations

- a. Investigations shall be documented per TJJD incident form requirements and investigation requirements including:
 - 1. Description of the physical and testimonial evidence,
 - 2. The reasoning behind credibility assessments, and
 - 3. Investigative facts and findings.
- b. No standard higher than a preponderance of evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.
- c. Criminal investigation shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- d. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

30. 115.373 Reporting to Residents

- (a) Any resident who makes an allegation that he or she suffered sexual abuse in the facility shall be informed verbally or in writing, of all notifications, as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation by the agency.
- (b) Following a resident's allegation that a staff member has committed sexual abuse against the resident, the FA, or designee shall subsequently inform the resident (unless the allegation is unfounded) whenever:
 - a. The staff member is no longer posted in the unit.
 - b. If the staff is no longer employed at the facility.
 - c. If the staff member has been indicted on a charge related to sexual abuse within the facility.
 - d. The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.



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- (c) Following a resident's allegation that he or she has been sexually abused by another resident, the facility shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. Facility learns that the alleged abuse has been convicted on a charge related to sexual abuse within the facility.
- (d) The Brazos County Sheriff's Department conducts the criminal investigation on behalf of the Brazos County Juvenile Services Department; the Sheriff's Department shall provide relevant information from the investigation in order to inform the resident as to the outcome of the investigation.
- (e) The facility shall document all notifications to resident described under this standard.

31. 115.376 Disciplinary sanctions for staff

- (a) Any staff alleged to have sexual abused a youth will be removed from the direct supervision of youth pending the outcome of the investigation.
- (b) Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies and shall be reported to the Sheriff's Department for possible criminal prosecution.
- (c) Termination shall be the presumptive disciplinary sanction for staff that has engaged in sexual abuse.
- (d) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (e) All terminations for violation of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

32. 115.377 Corrective action for contactors, volunteers and interns

- (a) Any contractor, volunteer, intern or other person who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- (b) Facility shall require that any contractor or volunteer who engages in sexual abuse be prohibited from contact with residents.
- (c) The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.



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(d) This will also be reported to the licensing entity, if appropriate.

33. 115.378 Disciplinary Sanctions for residents

1. A resident may be subject to disciplinary sanctions only pursuant to a formal disciplinary process as outlined in the BCJSD policies and procedures following a finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident on resident abuse.
2. Any disciplinary sanctions shall be commensurate with the nature and circumstance of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offense by other residents with similar histories.
3. In the event a disciplinary sanction for resident-on-resident sexual abuse results in the isolation of a resident, the resident in isolation shall not be denied their daily large muscle exercise, access to any legally required educational programming, special education services, and daily visits from a medical and/or mental health care professional.
4. Resident in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs to the extent possible.
5. In the event a disciplinary sanction for resident-on-resident sexual abuse results in the isolation of a resident, the resident in isolation shall have access to other programs to the extent possible.
6. The disciplinary process shall consider if the resident's mental disabilities or mental illness contributed to the behavior when determining what sanction, if any, should be imposed.
7. A resident may be disciplined for sexual contact with staff only upon a finding that the staff did not consent to such contact.
8. The facility prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged, even if an investigation does not establish evidence sufficient to substantiate the allegation.
9. Sexual activity between residents is strictly prohibited.
10. The facility prohibits all sexual activity between residents and disciplines residents for such activity. The facility deems such activity to constitute sexual abuse only if it determines that the activity is coerced.
11. A resident may be disciplined for filing a grievance related to alleged sexual abuse only when determined the resident filed the grievance in bad faith.
12. False allegations against either residents or staff will receive disciplinary measures. Charges may be filed for making a false allegation.

34. 115.381 Medical and mental health screenings; history of sexual abuse

1. If the behavioral screening indicates a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the intake officer shall provide a copy of the behavior health screening form to the following: medical and mental health care practitioner within 14 days of the intake screening. Medical and mental health staff shall maintain a log documenting compliance with the above services.



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1. If the behavior screening indicates the resident has previously perpetrated sexual abuse, whether is occurred in an institutional setting or in the community, staff shall ensure the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
2. Medical and mental health staff maintain secondary materials (log) documenting compliance with the above required service.
3. Brazos County Juvenile Detention center does not service youth over the age of 18, pursuant PREA standard §115.381, informed consent from residents before reporting information about prior sexual victimization is not applicable to our facility.
4. If the mental health practitioner determines through the follow-up that treatment is warranted resident shall be referred to our community resource if the follow-up treatment is not warranted the facility does need not provide additional services.
5. Any information related to sexual victimization or abuse that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bedding, education, and program assignments, or as otherwise required by Federal, State, or Local law.

35. 115.382 Access to emergency medical and mental health services

- (a) Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of which are determined by medical and mental health practitioner according to their professional judgment.
- (b) Medical and mental staff maintain secondary materials (log) documenting the timeliness of emergency medical treatment and crisis intervention services provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.
- (c) Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate. The required information/care will be provided by St. Joseph's Hospital.
- (d) Treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with the investigation arising from the incident.
- (e) If medical or mental health practitioners are not on duty at the time of the report, the first responder shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.



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36. 115.383 On-going medical and mental health care for sexual abuse victims and abusers

- a. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in a juvenile facility, prison, lockup or jail.
- b. Female victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- c. If pregnancy results from the abuse, the victim shall receive timely and comprehensive information about and time access to all lawful pregnancy-related medical services.
- d. Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- e. The facility shall attempt to conduct a mental health evaluation of all known resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
- f. The evaluation and treatment shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- g. Services provided shall be consistent with the community level of care.
- h. Treatment services shall be provided to the victim without financial cost regardless if the victim names the abuser or cooperates with the investigation arising out of the incident.
- i. The facility mental health practitioners will determine the length of treatment needed.

37. 115.386 Sexual abuse incident reviews

- (a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials; the Chief Probation Officer, Administrative Designee, PREA Coordinator, Facility Administrator, and Assistant Facility Administrator, with input from line supervisors, investigators, and medical or mental health practitioners.
- i. The review team shall consider:
 - (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamic at the facility;
 - (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse (camera placement, blind spots, training curriculum, and program);
 - (d) Assess the adequacy of the staffing levels in that area during different shifts;
 - (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and



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- (f) Prepare a report of its findings, including but not limited to determination made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the Chief Probation Officer, Facility Administrator and PREA Compliance Manager.
- (g) The facility administrator shall implement the recommendations for improvement, or shall document the reasons for not doing so.

38. 115.387 Data Collection

- (a) The facility shall collect accurate, uniform data for every allegation of sexual abuse at the facility using the annual PREA report form developed by the facility.
- (b) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (c) The facility shall aggregate the incident-based sexual abuse data at least annually.
- (d) The facility shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The facility obtains incident-based and aggregate data from every private facility with which it contracts for the confinement of its residents.
- (f) Upon request, the facility shall provide all such data from the previous calendar year to the Department of Justice no later than June 30th.
- (g) The facility shall implement the recommendations (as applicable) for improvements or document its reasons for not doing so.

39. 155.388 Data review for corrective action

- (a) The department shall review data collected pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, procedures, and training, including:
 - i. Identifying problem areas
 - ii. Taking corrective action on an ongoing basis; and
 - iii. Preparing an annual report of its findings and corrective actions for the facility, as well as the department as a whole.
- (b) The annual report shall compare the current year's data and corrective actions (where applicable) with those of prior years.
- (c) Reports will be readily available to the public via the department website and/or via hard paper copies available for viewing at the department.
- (d) All reports will be approved by the Executive Director.
- (e) The department will redact any specific information from the reports when the publications of such information would be present a clear and specific threat to the safety and security of the facility.
- (f) The department will indicate the nature of the material redacted (when applicable).



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- (g) The annual report provides an assessment of the agency's progress in addressing sexual abuse.
- (h) The department shall provide an assessment of the department's progress in addressing sexual abuse.

40. 115.389 Data storage, publication, and destruction

- (a) The department shall securely retain all data collected; incident-based and aggregate data pursuant to §115.387.
- (b) The agency shall make all aggregated sexual abuse data from its facility and from facilities under its direct control and private facilities with which it contrasts, readily available to the public through its website.
- (c) All personal identifiers shall be removed before the posting of any aggregated sexual abuse data.
- (d) Unless Federal, State or local laws requires, the department shall maintain all abuse data collected pursuant to §115.387, for at least 10 years after the date of its initial collection.